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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
ate Docket No. 88 MJ

Plaintiff

V.

Enrique CARRANZA-BUSTAMANTE

AKA: Macias Diaz, Johny

) COMPLAINT FOR

) VIOLATION OF:

) TITLE 18 U.S.C.

Misuse of Passport (Felo)

Misuse of Passport (Felony)

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Defendant

The undersigned complainant, being duly sworn, states:

On or about May 15, 2008, within the Southern District of California, defendant **Enrique CARRANZA-BUSTAMANTE**, did knowingly and willfully use a U.S. Passport issued or designed for the use of another, to wit: Defendant presented U.S. Passport number 306524556, issued to Johny Macias Diaz, knowing full well that he was not Johny Macias Diaz. All in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference. / /

Bruce Palomar

Bruce A. Palombo Jr.
Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 16th day of May, 2008.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Bruce Anthony Palombo Jr., being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Special Agent (SA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for 3 ½ years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Enrique CARRANZA-BUSTAMANTE, hereafter referred to as DEFENDANT, used a U.S. passport issued for the use of another. This Affidavit is made in support of a complaint against Enrique CARRANZA-BUSTAMANTE for violations of Title 18, U.S.C., Section 1544, Misuse of a Passport.
3. On 05/15/08, according to a Department of Homeland Security, Customs and Border Protection (CBP) Officer, DEFENDANT approached the pedestrian entrance to the San Ysidro Port of Entry. DEFENDANT was asked the normal immigration questions (such as his citizenship, where he was going, any items to declare, etc.) and then DEFENDANT provided a CBP Officer with a U.S. Passport (number 306524556) bearing the name of Johny Macias Diaz. A CBP officer was not convinced DEFENDANT was the rightful owner of the passport, and escorted DEFENDANT to the Security Officer for further inspection.
4. On 05/15/2008, a CBP Officer conducted a secondary inspection of DEFENDANT. During the inspection DEFENDANT'S fingerprints were taken, and revealed that he had an FBI record in the name Enrique CARRANZA-BUSTAMANTE, Date of Birth of 07/15/1980, who is a citizen of Mexico. Computer checks reveal that the DEFENDANT has been returned to Mexico the day before.

5. On 05/15/2008, at approximately 2000 hours, the DSS San Diego Resident Office Representative was notified by the CBP at the San Ysidro POE of the case. Affiant conducted checks of the US Department of State, US Passport database. Record checks revealed that US Passport number 306524556 had been issued on March 20, 2007, in the name Johny Macias Diaz, and has not been reported lost or stolen. The photograph and DOB on the passport application does not match the DEFENDANT.

6. On the basis of the facts presented in this probable cause statement consisting of 3 pages, Affiant asserts there is probable cause to believe that the DEFENDANT named in this probable cause statement committed the offence on 05/15/2008 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Johny Macias Diaz, knowing that it was not issued or designed for his use.